

26 December 1947

OGC REVIEW COMPLETED

MEMORANDUM FOR THE EXECUTIVE OFFICER, CONTACT BRANCH

Subject: Employment of Retired Officers

1. On 29 August 1947, you wrote a memorandum to the Chief, Personnel Branch, requesting information on the effect of Section 303 of the National Security Act of 1947 on the hiring of retired Navy and Army officers. The Personnel Branch referred the question to our office on 9 September. Since that time, we have been attempting to obtain a satisfactory answer to your question but without success.

2. Since the Office for the Secretary of Defense has the same problem, we discussed it with them, and they in turn discussed it with the experts in that field at the General Accounting Office. The final result was advice from the General Accounting Office that the various statutes' rules and decisions regarding the hiring of retired officers were so confused, and often contradictory, that no general rules could be set forth (this applies not to officers retired for combat injuries, or illness in line of duty, but to those retired in the normal longevity laws). In effect, this means that each case would have to be transmitted for a separate ruling in order to protect both the retired officer and the certifying officers of the agency. Such a procedure is so cumbersome that the Office of the Secretary of Defense has informally determined not to consider retired officers for employment. Legislation has been prepared to simplify and clarify the situation, but the General Accounting Office could not estimate when such legislation might be presented, or in what form it might be passed.

LAWRENCE R. HOUSTON
General Counsel

cc: Personnel